

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PINEDA REO, LLC,)
Plaintiff,)
v.)
WEIR BROS., INC.,)
Debtor,)
and) Case No. 3:18-cv-1660
AECOM HUNT, f/k/a HUNT,)
CONSTRUCTION GROUP, INC.,)
Garnishee, Counter-Claimant/)
Interpleader,)
PINEDA REO, LLC, BERKLEY REGIONAL)
INSURANCE COMPANY,)
UNITED STATES OF AMERICA,)
WEIR BROS. CONTRACTING, LLC)
AL WEIR, as Trustee for WEIR)
GROUP LIQUIDATING TRUST,)
Interpleader Defendants.)

NOTICE OF REMOVAL

Comes now Counter-Claimant United States of America (hereinafter "United States"), and gives this Court notice of removal of the above-entitled cause now pending as Case No. DC-17-15520, in the 116th Judicial District Court, Dallas County, Texas and as grounds therefor would show the following:

1. Plaintiff's Original Petition was filed with the 116th Judicial District Court, Dallas County, Texas, on or about November 9, 2017. A copy of the pleading filed is attached as Exhibit A.

2. The United States was joined as a party by Garnishee, Hunt Construction Group, Inc. when it filed its First Amended Counterclaim, Cross-Claim and Petition in Interpleader on June 7, 2018. A copy of this pleading is attached as Exhibit B.

3. Plaintiff filed its suit seeking to garnish the funds owed by Garnishee, AECOM Hunt, f/k/a Construction Group, Inc. (“Hunt”), to Debtor Weir Bros., Inc. Upon information and belief, Plaintiff holds a judgment against Debtor Weir Bros., Inc. and or several of its related entities. Debtor, Weir Bros., Inc., and its related entities entered into Liquidating Trust Agreement, which was established for the purpose of paying their creditors. The Internal Revenue Service (“IRS”) is the priority creditor to be paid under the Liquidating Trust Agreement.

4. The IRS is owed over \$13 million dollars by Debtor, Weir Bros., Inc., and its related entities. The IRS has filed notices of federal tax lien against Weir Bros., Inc.

5. Upon information and belief, Garnishee Hunt owed Weir Bros., Inc. approximately \$273,716.25 under a Subcontract. On or around December 1, 2017, Garnishee Hunt tendered this amount into the registry of the 116th Judicial District Court, Dallas County, Texas.

6. The United States removes this action in order to protect (1) its federal tax lien rights; and (2) the right to collect the taxes owed.

7. The Notice of Removal is filed pursuant to 28 U.S.C §§ 1441, 1442, and 1446.

This Court has original subject matter jurisdiction of this action by virtue of 28 U.S.C. §§ 1331, 1340 and 2410.

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ATTORNEYS FOR DEFENDANT, UNITED
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CERTIFICATE OF SERVICE

I certify that I have served the above-stated document on the following individuals on June 25, 2018, by sending to each individual listed below a copy of this document via U.S. Mail.

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